

MELINDA L. HAAG, CSBN 132612
United States Attorney
DEBORAH LEE STACHEL CSBN 230138
Acting Regional Chief Counsel, Region IX
Social Security Administration
RICHARD M. RODRIGUEZ
Special Assistant United States Attorney
160 Spear Street, Suite 800
San Francisco, California 94105
Telephone: (415) 977-8926
Facsimile: (415) 744-0134
E-Mail: richard.rodriguez@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARTIN ERIC FINDLEY,) Case No. 5:14-CV-03581-BLF
) UÜÖÖÜÄÜÜÜXÖ
Plaintiff,) STIPULATION TO VOLUNTARY
v.) REMAND PURSUANT TO SENTENCE
) FOUR OF 42 U.S.C. § 405(g) AND TO
CAROLYN W. COLVIN,) ENTRY OF JUDGMENT FOR PLAINTIFF
Acting Commissioner of Social Security,)
)
Defendant.)
)

IT IS HEREBY STIPULATED by and between Plaintiff, Martin Eric Findley and Defendant, Carolyn W. Colvin, Acting Commissioner of Social Security (Defendant) through their respective counsel of record, and with the approval of the Court, that the Commissioner of Social Security has agreed to a voluntary remand of this case for further administrative action pursuant to 205(g) of the Social Security Act, as amended, 42 U.S.C. section 405(g) sentence four.

Upon remand, the Office of Disability Adjudication and Review's Appeal Council will remand this case to an administrative law judge (ALJ) for further development of the record, a new hearing, and decision.

The Appeals Council will instruct the ALJ to re-evaluate the medical evidence, including, all medical source opinion evidence concerning Plaintiff's mental impairments, particularly

Farhan Matin, M.D.'s post hearing opinion and explain the weight given to all opinion evidence consistent with 20 C.F.R. §§ 404.1527, 416.927, and Social Security Rulings (SSR) 96-2p and 96-5p. If necessary, the ALJ may utilize the assistance of a medical expert to aid in this evaluation.

Based upon the expanded record, the Appeals Council will instruct the ALJ to reassess the credibility of Plaintiff's subjective complaints consistent with 20 C.F.R. §§ 404.1529, 416.929; and SSR 96-7p.

As required by the re-evaluation of the evidence, the Appeals Council will also instruct the ALJ to reassess Plaintiff's residual functional capacity, and obtain supplemental vocational expert testimony to determine whether Plaintiff could perform any other work existing in significant numbers in the national economy given his age, education, vocational factors, and residual functional capacity, as his past relevant work is precluded by the ALJ's previous findings.

Plaintiff may present new arguments and evidence. The ALJ may perform further development and conduct further proceedings as necessary.

The parties further request the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

Respectfully submitted,

Date: August 12, 2015

/s/Lisa Douglass

Lisa Douglass, Attorney at Law, CSBN 269133
Attorney for Plaintiff
*By email authorization on August 11, 2015

Date: August 12, 2015

MELINDA L. HAAG
United States Attorney


By: /s/Richard M. Rodriguez

Richard M. Rodriguez
Special Assistant United States Attorney
Attorneys for Defendant

ORDER

APPROVED AND SO ORDERED:

DATED: CE * ~ • FGZCFI


BETH LABSON FREEMAN
UNITED STATES DISTRICT COURT JUDGE